

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-6316-2020
Decided on : 14.02.2020**

Alisher

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Vineet Dhanda, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C., for quashing of FIR No. 16, dated 18.02.2014 (Annexure P-1), under Sections 406, 498-A of the Indian Penal Code, registered at Police Station Women Cell, district Patiala, along with consequential proceedings arising therefrom.

It was *inter alia* contended that the FIR in question was registered on account of a misunderstanding between the petitioner and his wife i.e. respondent No.2. It was submitted that the marriage of the petitioner was solemnized with respondent No.2 – Jarina on 22.12.2002 and out of the said wedlock, two children were born. However, respondent No.2 failed to adjust in her matrimonial home. As a result of which, differences arose between the parties leading to the registration of the FIR in question. With the intervention of respectables and relatives, differences between the parties were sorted out and the parties agreed to get their statements recorded before the trial Court in respect of the compromise arrived at between them. They then approached this Court by way of CRM-M-7278-

2016 for quashing of the FIR on the basis of compromise, upon which, this Court asked the parties to get their respective statements recorded before the trial Court. However, respondent No.2 failed to turn up before the trial Court to get her statement recorded. As a result of which, FIR could not be quashed on the basis of compromise.

Once respondent No.2 chose not to appear before the trial Court as per the directions of this Court in CRM-M-7278-2016 to get her statement recorded *qua* the compromise allegedly effected, the only inference that would be and should be drawn is that the compromise had failed to fructify.

The petitioner cannot now seek quashing of FIR on the ground that respondent No.2 did not abide by the directions of this Court in CRM-M-7278-2016 and give her statement before the trial Court *qua* the compromise arrived at between them.

Be that as it may, a perusal of the FIR in hand, reveals that very serious and specific allegations have been levelled by respondent No.2 (complainant) against the petitioner, which *prima facie* do attract the mischief of Sections 406, 498-A IPC. Hence, in the above given facts and circumstances, this Court is not inclined to quash the FIR in question by invoking its inherent power under Section 482 Cr.P.C.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

February 14, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*